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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/987,569	11/15/2001	Shuntaro Aratani	35.G2934	7348

5514 7590 09/13/2007  
FITZPATRICK CELLA HARPER & SCINTO  
30 ROCKEFELLER PLAZA  
NEW YORK, NY 10112

EXAMINER
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YENKE, BRIAN P

ART UNIT	PAPER NUMBER
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2622

MAIL DATE	DELIVERY MODE
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09/13/2007

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

## Office Action Summary

**Application No.**

09/987,569

**Applicant(s)**

ARATANI ET AL.

**Examiner**

BRIAN P. YENKE

**Art Unit**

2622

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on Amendment (28 Jun 07).
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 46-61 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 46-61 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date 6/28/07.

- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date: \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Response to Arguments***

1. Applicant's arguments filed 28 June 2007 have been fully considered but they are not persuasive.

### ***Applicant's Arguments***

a) Applicant states that even if Valdez et al, teaches receiving markup language, there is absolutely no suggestion in Valdez that such markup language included both the claimed script and the claimed plurality of status display information. Applicant states that even if the documents could be combined as proposed the combination would be altogether devoid of any mention of the claimed script and plurality of status display information.

### ***Examiner's Response***

a) Initially it is noted that the applicant's disclosure state that the script and plurality of status display information is received via a broadcast, thus the information is included in the received signal. The questions of obviousness as per the Supreme Courts unanimous decision in KSR vs Teleflex "If a person of ordinary skill in the art can implement a predictable variation, and would see the benefit of doing so, a 103 likely bars its patentability". In the instant case the applicant is claiming that they are receiving and identifying the status based upon the received information and the printer. The concept of identifying the status of the printer (i.e. out of paper, printing etc...) being displayed on a screen has been conventional practice for monitors connected to a printer, and with the use of WebTV and printers being connected to a TV, the process of displaying this information on a TV signal receiving apparatus would be necessary to ensure the user is away of the printing status. As stated in the rejection, Ihara discloses the concept of communication between a TV unit and a printer via the IEEE 1394 protocol (to determine

connection/status/type of printer etc...) and Valdez discloses the concept of receiving both TV data and markup language and thus this combination would provide the limitations as claimed, in addition to the conventional capability of informing the user/system of the printer status.

***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 46-61 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ihara et al., US 2003/0164976 in view of Valdez, Jr., US 6,426,778.

In considering claims 46 and 51,

Ihara discloses a television receiving apparatus (set-top box 3) which is connected to a printer device (5) (Figs 1-2), which communicate to each other via a IEEE 1394 interface.

Ihara discloses receiving receive broadcast information which is demodulated (11), descrambled (12) and converted into data pursuant to the IEEE 1394 standard (para 72). When the user desires to issue a print command to print data pertaining to the broadcast (para 97) the CPU 23 of the set top box specifies the type of seet, quality color layout in accordance with the picture displayed on the television device 4. Ihara also discloses that the set top box communicates the control parameters to the printer wherein the set top box receives information from the printer wherein if the printer is able to accept the operation mode parameters (paras, 103, 112-114, 171). Ihara also discloses that the printer status may display the contents/type/parameters (para 95) in addition to the picture.

However, Ihara does not explicitly recite receiving markup language in the received broadcast. Although the reception of such is notoriously well known in the art, the examiner nonetheless incorporates

Art Unit: 2622

Valdez, Jr., US 6,426,778 which is of the same field of endeavor, which discloses the concept of markup language being received within a TV broadcast, wherein a browser/computer can control the picture in response to the control data received by both the picture and markup data.

Regarding the new limitation of document data including a script for acquiring status information of the printer and status display information corresponding to the acquired status information.

It is noted that applicant's own specification discloses that by incorporating a browser into a television a user may receive broadcasts/markup language data and perform the operations as claimed (see para, 04,05,09, 57,59,68 and 80 specifically). The applicant disclosure states that by receiving markup language such as XML which includes this script data which is used by the system (i.e. IEEE 1394) to control print operations. The applicant's disclosure states that control/script data is received from the broadcast signal---thus a receiver/decoder on the user's end needs only to receive such signal and carry out the appropriate instructions/script.

Valdez also discloses that the use of browsers (including XML) in a TV system are notoriously well known, in order to properly display received data (col 1, line 39 to col 3, line 39). Thus when receiving the markup language data the data includes a script for acquiring status information of the printer in addition to status display corresponding to such status which is used to determine whether the printer can execute such printing.

In addition Ihara discloses the use of a display which is connected to a printer via IEEE-1394, which is used to determine the status/ability of the printer to perform requested functions (para 0172). It is also noted that the applicant's invention also uses the IEEE-1394 interface to control the process based upon received instructions from the markup language.

Thus the combination of Ihara and Valdez provides a TV system the ability to receive markup language data in addition to broadcast programs and carry out the instructions/script data received by using the 1394 interface in order to ensure the printer is capable of executing/carry out requested operations.

Therefore, it would have been clearly obvious to one of ordinary skill in the art at the time of the invention to recognize that since Ihara discloses a system which receives broadcast signals, to also

process all the data included in such signals such as the additional markup language data which are provided by the broadcaster, since the inclusion of such is to provide the user additional information/products/services which may be of interest to the user.

In considering claims 47-50 and 52-61,

As stated above, Ihara discloses a system which customizes the print function based upon received picture information, which includes display layout/style format (paras 97, 112-114, 121-126 and 154)

As stated in the previous rejection, with regard to an IEEE 1394 interface between devices, the printer receives/transmits information to the display (as would be a conventional printer with a computer monitor), wherein it would provide the user prompts, notifying if paper was out, printing is completed, not compatible or the printer has stopped, these are all functions associated which are previously known. In the event the applicant argues that these are not known, the examiner would like the applicant to clarify such on the record in addition to the disclosure for such in the application, in order to expedite prosecution.

### ***Conclusion***

3. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Brian Yenke whose telephone number is (571)272-7359. The examiner work schedule is Monday-Thursday, 0730-1830 hrs.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's Supervisor, David L. Ometz, can be reached at (571)272-7593.

**Any response to this action should be mailed to:**

Commissioner of Patents and Trademarks  
Washington, D.C. 20231

**or faxed to:**

**(571)-273-8300**

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Technology Center 2600 Customer Service Office whose telephone number is (703)305-HELP.

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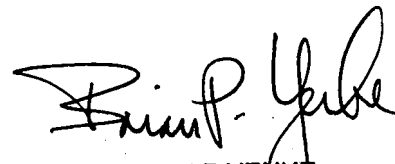
For other technical patent information needs, the Patent Assistance Center can be reached through customer service representatives at the above numbers, Monday through Friday (except federal holidays) from 8:30 a.m. to 5:00 p.m. EST/EDT.

Art Unit: 2622

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B.P.Y.  
10 Sep 07



BRIAN P. YENKE  
PRIMARY EXAMINER